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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/015,886

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Steve Vlcan

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10/16/2008

KING & SPALDING LLP (CITI CUSTOMER NUMBER)

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EXAMINER

MOORTHY, ARAVIND K

ART UNIT

PAPER NUMBER

2431

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/015,886	<b>Applicant(s)</b> VLCAN ET AL.	
	<b>Examiner</b> Aravind K. Moorthy	<b>Art Unit</b> 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is in response to the arguments filed on 14 July 2008.
2. Claims 1-3, 5-11 and 13-18 are pending in the application.
3. Claims 1-3, 5-11 and 13-18 have been rejected.
4. Claims 4 and 12 have been cancelled.

### ***Response to Arguments***

5. Applicant's arguments filed 14 July 2008 have been fully considered but they are not persuasive.

On page 5, the applicant argues that Winburn does not disclose “modifying an address of the install module by the redirect module to include a parameter to indicate the remote location of the file,” as recited in claim 1 and similarly recited in claim 10.

The examiner respectfully disagrees. Winburn teaches that an address is camouflaged to create a recovery address group. The monitoring process and system, as shown and described with reference to FIGS. 3 and 6, uses the identifier stored in the recovery address group and a test identifier produced from the current protected data file to determine if the current protected data file used to produce the test identifier is the same as the authorized protected data file. As shown in FIG. 4 and FIG. 6, the processor 13, 16, as scheduled or responsive to a sensed event, as described above, produces a test identifier (51). The identifier stored in the recovery address group 35 in the active memory 14 is accessed (53) and the test identifier and identifier are compared (55). However, as would be apparent to those skilled in the art, any other suitable system may be used to compare the authorized protected data file with the current protected data file. The examiner asserts that the read identifier indicates the location of the file.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**6. Claims 1-3, 6, 7, 9-11, 14, 15, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Winburn US 2002/0069363 A1.**

As to claims 1 and 10, Winburn discloses a method for maintaining the integrity of a file at a remote location via a communication medium, comprising the steps of:

performing an integrity check on the file by an integrity module [0030];

redirecting to an install module by a redirect module if the integrity check fails [0031],

wherein the step of redirecting to the install modules comprises the steps of:

modifying an address of the install module by the redirect module to include a parameter to indicate the remote location of the file [0027];

producing a request by an authentication module based on the modified address that indicates the remote location of the file [0028], and

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communicating the request by the authentication module to the install module in a login page that instantiated the file at the remote location [0031]; and

reinstalling the file by the install module at the remote location via the communication medium, thereby maintaining the integrity of the file [0031].

As to claims 2 and 11, Winburn discloses that the step of performing the integrity check comprises the steps of:

using an algorithm on the file to produce a remote value [0027-0028];

communicating the remote value to the integrity module via the communication medium [0027-0028];

using the algorithm on a mirror file to produce a secure value, wherein the mirror file is a valid copy of the file [0027-0028]; and

communicating that the integrity check passed if the remote value and the secure value are equivalent [0027-0028].

As to claims 3 and 18, Winburn discloses that the algorithm is a hash algorithm [0027-0028].

As to claims 6 and 14, Winburn discloses that the communication medium is the Internet [0025].

As to claims 7 and 15, Winburn discloses that the communication medium is a local network [0025].

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As to claims 9 and 17, Winburn discloses that the remote location is an authentication control component [0030].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winburn U.S. Patent No. 6,779,003 B1 as applied to claims 1 and 10 above, and further in view of Gauvin et al U.S. Patent No. 5,991,760.**

As to claims 5 and 13, Winburn does not teach that the step of reinstalling the remote file comprises generating a reinstallation web page, by the install module, based on a request from the remote location. Winburn does not teach that the step of reinstalling the remote file comprises communicating the reinstallation web page, via the communication medium, to the remote location. Winburn does not teach that the step of reinstalling the remote file comprises reinstalling the remote file at the remote location.

Gauvin et al teaches generating a reinstallation web page, by the install module, based on a request from the remote location. Gauvin et al teaches reinstalling the remote file comprises communicating the reinstallation web page, via the communication medium, to the remote location. Gauvin et al teaches reinstalling the remote file at the remote location [column 6, lines 17-60].

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Winburn so that a reinstallation web page would have been generated, by the install module, based on a request from the remote location. The remote file would have been reinstalled by communicating the reinstallation web page, via the communication medium, to the remote location. The remote file would have been reinstalled at the remote location.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Winburn by the teaching of Gauvin et al because it provides a user with a clean updated version of the file [column 2, lines 12-28].

**8. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winburn U.S. Patent No. 6,779,003 B1 as applied to claims 1 and 10 above, and further in view of Satyanarayana et al U.S. Patent No. 5,909,429.**

As to claims 8 and 16, Winburn does not teach that the communication medium is a wireless network.

Satyanarayana et al teaches a communication network that is a wireless network as well as its benefits [column 6 line 66 to column 7 line 9].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Winburn so that the communication medium was a wireless network.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Winburn by the teaching of Satyanarayana et al because wireless networks eliminate the need for connectors and wires at the, provides an opportunity for

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testing the operation of the nodes prior to completion of installation of the network (and prior to execution of the network initialization routine), and reduces the cost and time required for installation of the wireless network [column 9, lines 37-47].

***Conclusion***

**9. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aravind K Moorthy/  
Examiner, Art Unit 2431

/Christopher A. Revak/  
Primary Examiner, Art Unit 2431